



House of Representatives

General Assembly

File No. 584

January Session, 2007

Substitute House Bill No. 7377

House of Representatives, April 25, 2007

The Committee on Finance, Revenue and Bonding reported through REP. STAPLES of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING GREEN BUILDING CONSTRUCTION STANDARDS FOR SCHOOLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 10-285a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) The percentage of school building project grant money a local
4 board of education may be eligible to receive, under the provisions of
5 section 10-286 shall be determined as follows: (1) Each town shall be
6 ranked in descending order from one to one hundred sixty-nine
7 according to such town's adjusted equalized net grand list per capita,
8 as defined in section 10-261; (2) based upon such ranking, a percentage
9 of not less than forty nor more than eighty shall be determined for each
10 town on a continuous scale, except that for school building projects
11 authorized by the General Assembly during the fiscal year ending June
12 30, 1991, for all such projects so authorized thereafter and for grants
13 approved pursuant to subsection (b) of section 10-283 for which

14 application is made on and after July 1, 1991, the percentage of school
15 building project grant money a local board of education may be
16 eligible to receive, under the provisions of section 10-286 shall be
17 determined as follows: (A) Each town shall be ranked in descending
18 order from one to one hundred sixty-nine according to such town's
19 adjusted equalized net grand list per capita, as defined in section 10-
20 261; (B) based upon such ranking, a percentage of not less than twenty
21 nor more than eighty shall be determined for each town on a
22 continuous scale.

23 (b) The percentage of school building project grant money a regional
24 board of education may be eligible to receive under the provisions of
25 section 10-286 shall be determined by its ranking. Such ranking shall
26 be determined by (1) multiplying the total population, as defined in
27 section 10-261, of each town in the district by such town's ranking, as
28 determined in subsection (a) of this section, (2) adding together the
29 figures determined under subdivision (1) of this subsection, and (3)
30 dividing the total computed under subdivision (2) of this subsection by
31 the total population of all towns in the district. The ranking of each
32 regional board of education shall be rounded to the next higher whole
33 number and each such board shall receive the same reimbursement
34 percentage as would a town with the same rank plus ten per cent,
35 except that no such percentage shall exceed eighty-five per cent.

36 (c) The percentage of school building project grant money a regional
37 educational service center may be eligible to receive shall be
38 determined by its ranking. Such ranking shall be determined by (1)
39 multiplying the population of each member town in the regional
40 educational service center by such town's ranking, as determined in
41 subsection (a) of this section; (2) adding together the figures for each
42 town determined under subdivision (1) of this subsection; [] and (3)
43 dividing the total computed under subdivision (2) of this subsection by
44 the total population of all member towns in the regional educational
45 service center. The ranking of each regional educational service center
46 shall be rounded to the next higher whole number and each such
47 center shall receive the same reimbursement percentage as would a

48 town with the same rank.

49 (d) The percentage of school building project grant money a
50 cooperative arrangement pursuant to section 10-158a, may be eligible
51 to receive shall be determined by its ranking. Such ranking shall be
52 determined by (1) multiplying the total population, as defined in
53 section 10-261, of each town in the cooperative arrangement by such
54 town's ranking, as determined in subsection (a) of this section, (2)
55 adding the products determined under subdivision (1) of this
56 subsection, and (3) dividing the total computed under subdivision (2)
57 of this subsection by the total population of all towns in the
58 cooperative arrangement. The ranking of each cooperative
59 arrangement shall be rounded to the next higher whole number and
60 each such cooperative arrangement shall receive the same
61 reimbursement percentage as would a town with the same rank plus
62 ten percentage points.

63 (e) If an elementary school building project for a new building or for
64 the expansion of an existing building includes space for a school
65 readiness program, the percentage determined pursuant to this section
66 shall be increased by five percentage points, but shall not exceed one
67 hundred per cent, for the portion of the building used primarily for
68 such purpose. Recipient districts shall maintain full-day preschool
69 enrollment for at least ten years.

70 (f) The percentage determined pursuant to this section for a school
71 building project grant that is subject to the requirements of section 16a-
72 38k, as amended by this act, shall be increased by two percentage
73 points, provided that the school district responsible for the project
74 certifies to the applicable state agency that the project shall meet the
75 standards imposed by section 16a-38k, as amended by this act.

76 ~~[(f)]~~ (g) The percentage determined pursuant to this section for a
77 school building project grant for the expansion, alteration or
78 renovation of an existing public school building to convert such
79 building for use as a lighthouse school, as defined in section 10-266cc,
80 shall be increased by ten percentage points.

81 ~~[(g)]~~ (h) The percentage determined pursuant to this section for a
82 school building project grant shall be increased by the percentage of
83 the total projected enrollment of the school attributable to the number
84 of spaces made available for out-of-district students participating in
85 the program established pursuant to section 10-266aa, provided the
86 maximum increase shall not exceed ten percentage points.

87 ~~[(h)]~~ (i) Subject to the provisions of section 10-285d, if an elementary
88 school building project for a school in a priority school district or for a
89 priority school is necessary in order to offer a full-day kindergarten
90 program or a full-day preschool program or to reduce class size
91 pursuant to section 10-265f, the percentage determined pursuant to
92 this section shall be increased by ten percentage points for the portion
93 of the building used primarily for such full-day kindergarten program,
94 full-day preschool program or such reduced size classes. Recipient
95 districts that receive an increase pursuant to this subsection in support
96 of a full-day preschool program, shall maintain full-day preschool
97 enrollment for at least ten years.

98 Sec. 2. Section 10-265e of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2007*):

100 As used in sections 10-265e to 10-265i, inclusive, and subsection ~~[(h)]~~
101 (i) of section 10-285a, as amended by this act:

102 (1) "Priority school district" means a school district described in
103 section 10-266p; and

104 (2) "Priority school" means a school in which forty per cent or more
105 of the lunches served are served to students who are eligible for free or
106 reduced price lunches pursuant to federal law and regulations,
107 excluding such a school located in a priority school district.

108 Sec. 3. Section 10-285d of the general statutes is repealed and the
109 following is substituted in lieu thereof (*Effective October 1, 2007*):

110 In order to be eligible for the percentage increase pursuant to
111 subsection ~~[(h)]~~ (i) of section 10-285a, as amended by this act: (1) The

112 project shall be (A) included in a plan developed pursuant to section
113 10-265f, and (B) for a particular full-day kindergarten class or reduced-
114 sized class funded pursuant to section 10-265f; (2) the local or regional
115 board of education shall present evidence to the Department of
116 Education that the project is the best option for solving the need for
117 additional space and is cost-efficient; and (3) the project shall meet the
118 requirements established in this chapter.

119 Sec. 4. Section 16a-38k of the general statutes is repealed and the
120 following is substituted in lieu thereof (*Effective January 1, 2008*):

121 (a) Notwithstanding any provision of the general statutes, any new
122 construction of a state facility, except salt sheds, parking garages [,] or
123 maintenance facilities, [or school construction,] that is projected to cost
124 five million dollars or more, and is approved and funded on or after
125 January 1, [2007] 2008, shall comply with the regulations adopted
126 pursuant to subsection (b) of this section. The Secretary of the Office of
127 Policy and Management, in consultation with the Commissioner of
128 Public Works and the Institute for Sustainable Energy, shall exempt
129 any facility from complying with said regulations if said secretary
130 finds, in a written analysis, that the cost of such compliance
131 significantly outweighs the benefits.

132 (b) Not later than January 1, 2007, the Secretary of the Office of
133 Policy and Management, in consultation with the Commissioner of
134 Public Works, the Commissioner of Environmental Protection and the
135 Commissioner of Public Safety, shall adopt regulations, in accordance
136 with the provisions of chapter 54, to adopt building construction
137 standards that are consistent with or exceed the silver building rating
138 of the Leadership in Energy and Environmental Design's rating system
139 for new commercial construction and major renovation projects, as
140 established by the United States Green Building Council, or an
141 equivalent standard, including, but not limited to, a two-globe rating
142 in the Green Globes USA design program, and thereafter update such
143 regulations as the secretary deems necessary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	10-285a
Sec. 2	<i>October 1, 2007</i>	10-265e
Sec. 3	<i>October 1, 2007</i>	10-285d
Sec. 4	<i>January 1, 2008</i>	16a-38k

Statement of Legislative Commissioners:

In subsection (f) of section 1, "that is" was inserted for clarity and the effective date of section 4 was changed from October 1, 2007, to January 1, 2008, for statutory consistency.

ENV *Joint Favorable Subst. C/R*

FIN

FIN *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 08 \$	FY 09 \$
Education, Dept.	GOBonds - Cost	None	Potential

Note: GOBonds=General Obligation Bonds

Municipal Impact: None

Explanation

This bill results in a potential cost to the State Department of Education (SDE) as it would require future new state technical high schools to be built to “green” building standards. It is estimated that meeting “green” building standards increases construction costs by 2%. A long term energy savings would accrue to the SDE as a result of any building being built to “green” building standards. Currently no new state technical high schools are planned.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**sHB 7377****AN ACT CONCERNING GREEN BUILDING CONSTRUCTION
STANDARDS FOR SCHOOLS.****SUMMARY:**

This bill extends the requirement that certain new state facilities meet green building standards to include new construction of state school facilities. The requirement applies to new state school construction (1) projected to cost \$5 million or more and (2) approved and funded on or after January 1, 2008.

The bill also gives school districts a two-percentage-point state reimbursement bonus for the eligible costs of any school building project that (1) is subject to the green building standards and (2) the school district certifies will meet the standards. But since, under the bill, only state facilities are subject to the standards, no local school district project could qualify for the bonus (see COMMENT). The state currently reimburses school districts on a sliding scale of from 20% to 80% of their eligible school construction costs, depending on the district's wealth. In addition, districts receive higher reimbursement rates for various types of projects, including regional and interdistrict projects and projects that include space for school readiness and all day kindergarten.

EFFECTIVE DATE: October 1, 2007 for the bonus provision and January 1, 2008 for the provision extending green building standards to state school facilities.

BACKGROUND***Green Building Standards***

By law, the Office of Policy and Management (OPM) secretary had

to adopt green building standards by January 1, 2007, in consultation with the public works, environmental protection, and public safety commissioners. The standards must require state facilities to meet or exceed the silver building rating of the Leadership in Energy and Environmental Design's (LEED) rating system for new commercial construction and major renovation projects or an equivalent standard, which must at least include a two-globe rating under the Green Globes USA design program. Both rating systems give projects points for projects' environmental characteristics, such as energy and water efficiency, and use of recycled materials and renewable energy. Based on the number of points a project receives, it can be given a silver, gold, or platinum award under the LEED system and one to four globes under the Green Globes system.

Related Bill

sHB 7098 (File 178) extends the "green building" requirements to (1) state-funded school construction costing \$5 million or more and (2) state-funded renovations of state-funded school projects costing \$2 million or more. That bill also increases, by two percentage points, the reimbursement rate under the school construction grant program for the projects subject to the green building requirements and requires school district to certify to the Education Department that the school will meet the standards.

COMMENT***Local School Projects Not Subject to Green Building Standards Under § 16a-38k***

Section 1 of the bill gives local school districts a two-percentage-point increase in their state school construction reimbursement grant for any project "that is subject to the requirements of section 16a-38k, as amended by this act," i.e., the green building standards. But the standards, under both current law and this bill, apply only to new state facilities, while state school construction grants are available for local public school construction projects. Thus, although the bill does not prohibit a school district from constructing a school that meets the standards and receiving its regular state reimbursement grant for the

project's eligible costs, the school district could not be eligible for the bill's increased reimbursement for such a project because a local school is not a state facility required to meet the standards.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute Change of Reference

Yea 29 Nay 1 (03/23/2007)

Finance, Revenue and Bonding Committee

Joint Favorable Substitute

Yea 51 Nay 0 (04/10/2007)